

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

ALLEN PAYETTE,

Plaintiff,

v.

SHERIFF HORNISCH, BOB DICKMAN,
WILLIAM BEAUDRY, SETH WISKOW,
DEBRA GLEASON, CARY PELLOWSKI,
SHEILA WESTCOTT, MICHAEL SCHAEFER
and DENNIS ROTHERING,

Defendants.

ORDER

07-cv-242-bbc

On July 7, 2008, the Court of Appeals for the Seventh Circuit affirmed Judge John C. Shabaz's decision to grant summary judgment to the defendants on plaintiff's claims that defendants used excessive force against him, denied him access to the courts and religious freedom and were deliberately indifferent to plaintiff's serious medical needs regarding the bandaging of plaintiff's arms. However, the court vacated the decision to grant summary judgment to defendants on plaintiff's Eighth Amendment claims that 1) jail officials disregarded the recommendation that he receive mental health treatment and instead kept him in shackles and painful restraints for a seven day period before he was transferred from

the jail; and 2) defendants performed a strip search on plaintiff in a manner intended to humiliate him and inflict psychological pain. Now plaintiff has written to ask what will happen next.

As an initial matter, I note that in the time this case was on appeal, Judge Shabaz has taken a leave of absence from the court to attend to a shoulder injury. In his absence, I have assumed jurisdiction over the case. Therefore, the case has been reassigned to me.

As for the next step in moving this case to resolution, it is my belief that appointed counsel is necessary to insure that plaintiff's claims are decided fairly. Therefore, I will stay all further proceedings in this case temporarily in order to locate a lawyer who is willing to represent plaintiff. Lawyers accepting appointments in cases such as this take on the representation with no guarantee of compensation for his or her work.

Plaintiff should be aware that in any case in which a party is represented by a lawyer, the court communicates only with counsel. Thus, once counsel is appointed, the court will no longer communicate with plaintiff directly about matters pertaining to this case. It will be expected that plaintiff will communicate directly with his lawyer about any concerns and allow the lawyer to exercise his or her professional judgment to determine which matters are appropriate to bring to the court's attention and what motions and other documents are appropriate to file.

ORDER

IT IS ORDERED that

1. All proceedings in this case are STAYED pending appointment of counsel for plaintiff. As soon as I locate counsel willing to represent plaintiff, I will advise the parties of that fact. Soon thereafter, a status conference will be scheduled to establish a new calendar for this case.

Entered this 11th day of August, 2008.

BY THE COURT:

/s/

BARBARA B. CRABB
District Judge